

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WINDWARD BORA LLC,

Plaintiff,

v.

ORDER

JOHN SOTOMAYOR, et al.,

21-CV-7161 (CS)

Defendants.

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CATHY SEIBEL, United States District Judge:

Plaintiff commenced this action on August 25, 2021 against Defendants John Sotomayor, Alexandria Loaiza, American Express Centurion Bank, Midland Funding LLC d/b/a in New York as Midland Funding of Delaware, LLC, Capital One Bank (USA), N.A., and John and Jane Doe. (ECF No. 1 (“Compl.”).) Plaintiff asserts that this Court has subject matter jurisdiction based upon diversity of citizenship pursuant to 28 U.S.C. § 1332. (*Id.* ¶ 11).

Defendant Midland Funding, LLC is a limited liability company, and “[w]ith the exception of corporations, the citizenship of business entities is derived from the citizenship of all members of the entity.” *Carden v. Arkoma Assocs.*, 494 U.S. 185, 189 (1990); *ICON MW, LLC v. Hofmeister*, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013) (“[L]imited liability companies . . . obtain citizenship from each of their members.”). According to Plaintiff, Midland Funding LLC is a citizen of California. (Compl. ¶ 7). Plaintiff, however, has not pleaded the citizenship of any of the LLC’s members. The Court is thus unable to determine whether all of the members of Defendant Midland Funding LLC are diverse from Plaintiff as of the date of filing. The Court, therefore, is unable to conclude that diversity jurisdiction exists under § 1332. Accordingly, by 5:00 p.m. on February 21, 2023, Plaintiff shall file a letter via ECF explaining

the basis for its assertion that diversity of citizenship exists and providing factual support for that assertion.

**SO ORDERED.**

Dated: February 16, 2023  
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel". The signature is written in a cursive, flowing style. The "C" is large and loops around the "a", and the "S" is also large and loops around the "e". The signature is positioned above a horizontal line.

CATHY SEIBEL, U.S.D.J.